REMARKS

The Final Office Action mailed February 19, 2009 has been received and carefully considered. Claims 79-99 are pending in the application. Claim 79 has been amended. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

A. Examiner Interview

Pursuant to M.P.E.P. § 713.04, the substance of the interview conducted on March 13, 2009, between Martin R. Bader (Reg. No. 54,736) and the Examiner is set forth below. The February 19, 2009 Final Office Action was discussed during the Interview including U.S. Patent No. 5,555,299 (*Maloney et al.*). Applicant discussed with the Examiner that *Maloney et al.* was not directed to a system that included an interactive voice response unit that dynamically decided an additional query to ask the requestor during the call. Applicant pointed out to the Examiner that the portions of *Maloney et al.* cited by the Examiner described a *live agent* (*i.e.*, a person) asking a caller questions. Namely, Col. 10, lines 2-16 of *Maloney et al.* describe a conversation with a live agent. The Examiner took the position that the live agent (also referred to as a customer service representative ("CSR")) of *Maloney et al.* was part of the interactive voice response unit 54 ("IVRU" or "VRU"). Specifically, the Examiner stated that the customer service representative's workstation 54 was coupled to the VRU 18, and thus was considered part of the VRU. Further, the Examiner stated that the live agent was associated with the CSR workstation 54, and thus, was part of the VRU 18. Applicant respectfully disagreed with the Examiner's position. The Examiner suggested adding language to the claim such the interactive voice response unit "automatically" decided an additional query to ask the requestor during the call, in order to distinguish from a live agent talking on the phone. Applicant stated that it did not appear that the limitation was not necessary to distinguish *Maloney et al.*, but informed the Examiner that the suggestion would be considered. No amendments to the claims were proposed. No exhibits were used or demonstrations conducted. No substantive agreements were reached during the interview.

B. The Anticipation Rejection of Claims 79-81, 83-88, 90-94, 96-97 and 99

Claims 79-81, 83-88, 90-94, 96-97 and 99 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,555,299 (*Maloney et al.*).

"A claim is anticipated only if *each and every element* set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

The Examiner states that *Maloney et al.* teaches "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source" at Col. 10, lines 2-16 of *Maloney et al. See* Final Office Action at pg. 3. However, this section of *Maloney et al.* discloses a conversation that is taking place between a customer and a *live agent* (referred to as a customer service representative ("CSR")). There is no teaching in *Maloney et al.* that the customer service representative is anything other than a *live agent*. The Examiner recognized this distinction during the Examiner interview on February 19, 2009. However, during the interview, the Examiner took the position that the live agent of *Maloney et al.* was part of the interactive voice response unit 54 ("IVRU" or "VRU"). Specifically, the Examiner stated that the customer service representative's workstation 54 was coupled to the VRU 18, and thus was considered part of the VRU. Further, the Examiner stated that the live agent or CSR associated with the workstation was part of the VRU. Applicant respectfully traverses the position taken by the Examiner.

First, *Maloney et al.* discloses a method for transferring calls between a plurality of call centers. The system of *Maloney et al.* includes a voice response unit 18 ("VRU" or "IVRU") that "answers calls that ACD 14 sends and collects information necessary to process the calls. VRU 18, upon acquiring the necessary information, routes the client service call to telephone 16 for service by an appropriate CSR." *See* Col. 4, lines 62-66. *Maloney et al.* provides little further description of the VRU 18. Specifically, *Maloney et al.* only states that "ACD 14 establishes communications to telephone 16 and, optionally, VRU 18." *See* Col. 5, lines 12-13. "VRU 18 of FIG. 2 connects via communication line 56 to LAN 24 or optionally to CCS 58 directly via communication line 57." *See* Col. 5, lines 25-27. "Optionally, CCS 58 may

communicate via LAN communication line 62 with other devices such as VRU 18 and other MIS components such as hosts 26." *See* Col. 5, lines 53-55. "In coordinating voice components and data components of a service call within a CC 50, CCS 58 receives customer identification information from ISDN/ANI 12 or VRU 18." *See* Col. 5, lines 63-66. *Maloney et al.* further states that "[a]n important feature of the preferred embodiment is that a wide variety of components may carry out the above-described inventive concepts. That is, the transfer functions that CCS 58 provides are independent of the type of equipment used for ACD or PBX 14, telephone 16, VRU 18, CSR workstation 54, LAN 24, file and communications server 28, and host processor 26, as long as these components satisfy certain standards or specifications." *See* Col. 8, lines 31-39. Lastly, *Maloney et al.* states that "a wide variety of vendors, including InterVoice and Syntellect for example, provide the voice response unit functions of VRU 18. *See* Col. 8, lines 43-45.

Applicant is unaware of any other description of the VRU 18 in *Maloney et al.* In this regard, *Maloney et al.* does not describe with any particularity how the VRU 18 operates other than as stated above. In summary, the VRU 18 is an optional feature in *Maloney et al.* that is only used to identify a customer and/or route calls.

Therefore, *Maloney et al.* does not teach or suggest "***dynamically deciding, at an interactive voice response unit***, an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source," as recited in amended independent claim 79. Similarly, *Maloney et al.* does not teach or suggest "wherein ***the IVR dynamically decides*** an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source." Namely, the VRU 18 of *Maloney et al.* does not disclose that the VRU 18 dynamically decides an "additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source." There is no disclosure in *Maloney et al.* whatsoever as to the questions the VRU 18 may ask or the process for obtaining information from the customer.

Second, the live agent (also referred to as the CSR) is not part of the VRU 18. The Examiner's position that the live agent is part of the VRU is not supported by the specification of

Maloney et al. Namely, *Maloney et al.* spends a considerable amount of time describing the CSR and the CSR workstation 54. However, nowhere is there any teaching or suggestion that the CSR or CSR workstation are part of the VRU 18.

Moreover, Interactive Voice Response is an interactive technology that allows a *computer* to detect voice or key inputs. *See, e.g.*, http://en.wikipedia.org/wiki/Interactive_voice_response; *see also, e.g.*, http://www.webopedia.com/TERM/I/IVR.html (IVR is "a telephony technology in which someone uses a touch-tone telephone to interact with a database to acquire information from or enter data into the database. IVR technology *does not require human interaction* over the telephone as the user's interaction with the database is predetermined by what the IVR system will allow the user access to."). Thus, an IVR is a computer system, not a live agent. Moreover, Applicant's claimed IVR is not anticipated by a *live agent* having a conversation with a customer.

Therefore, *Maloney et al.* does not teach or suggest "dynamically deciding, at an interactive voice response unit, an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source," as recited in amended independent claim 79. Similarly, *Maloney et al.* does not teach or suggest "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source." The *live agent* in *Maloney et al.* does not teach these claimed elements.

Therefore, Applicant respectfully submits, for at least the reasons stated above, that *Maloney et al.* does not anticipate the newly submitted claims and that the present rejection is overcome.

C. The Obviousness Rejection of Claims 82, 89, 95 and 98

Claims 82, 89, 95 and 98 stand rejected under 35 U.S.C. § 103(a), as allegedly being obvious in view of the combination of U.S. Patent No. 5,555,299 (*Maloney et al.*) and U.S. Patent No. 5,239,462 (*Jones et al.*).

As described above, *Maloney et al.* does not teach or suggest at least "dynamically deciding, at an interactive voice response unit, an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source," as recited in amended independent claim 79. Similarly, *Maloney et al.* does not teach or suggest "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source." *Jones* likewise does not teach or suggest these elements.

Therefore, Applicant respectfully submits that the obviousness rejection is overcome and claims 79-99 are in condition for allowance.

CONCLUSION

Applicants respectfully submit that the above amendments and remarks place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If there are any outstanding issues, the undersigned can be reached directly at (858) 458-3011.

Applicant does not believe any fees are due with this submission. Nonetheless, in the event that the U.S. Patent and Trademark Office requires any fees to enter and/or consider this Response, or to prevent abandonment of the present application, please charge such fees to the undersigned's Deposit Account No. 50-2613.

Respectfully submitted,

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